

Appendix A



Planning Committee Peer Review

**Cambridge City Council and Joint Development
Control Committee**

October 12, 13 2020

1.0 Executive Summary

1.1 This report summarises the findings of a planning committee peer challenge review, organised by the Local Government Association (LGA) with the Planning Advisory Service (PAS) and carried out by its trained peers. The aim of the peer review was to assess the operation of the Council's Planning Committee. This report also includes reference to the Joint Development Control Committee (JDCC) which is comprised of members from both Cambridge City and South Cambridgeshire District Councils and which focuses on large applications on the City fringes.

1.2 Cambridge City Council and South Cambridgeshire District Council operate an integrated shared planning service across the two authorities – the Greater Cambridgeshire Shared Planning Service (GCSPS). The peer team are also reviewing the operation of South Cambridgeshire District Council's Planning Committee.

1.3 Due to the ongoing limitations to normal working practices and the need for social distancing as a result of the continuing Covid 19 world pandemic, the Council agreed with the peer team that the review would be undertaken virtually. Therefore, our report and findings reflect a set of specific circumstances that have prevailed since the coronavirus crisis and the report should be viewed within this context. The peer review was also undertaken around the time of the release of the Government's White Paper 'Planning For The Future' in August 2020, with the consultation not closing until after the completion of this work. The peer team have not therefore considered the potential implications of the proposals in the White Paper on the operation of Planning Committees.

1.4 We clearly recognise the existing and on-going impacts that the Council and planning service has had to manage since March 2020 as a result of the Covid 19 pandemic. This has affected all the work of the planning service, including the requirement to carry out planning committee meetings online to comply with Government guidance and regulations in relation to public meetings in indoor spaces.

1.5 Another important context for our review is that the GCSPS continues to overcome issues of the coming together of the staff into a shared service from Cambridge City and South Cambridgeshire Councils. While the Planning Services merged in 2016 the process of forming the shared service has required substantial organisation, staffing and process changes – including the roll out and delivery of a service wide re-structure and a new ICT solution. This continues to provide challenges for the management team and staff in addition to managing the service through the changes prompted by Covid 19.

1.6 The public and special interest groups take a strong interest in the planning process in the city and want to play a significant role in planning decision making. Members of all political parties are very focussed on community engagement and public accountability which has an impact on the operation of the Planning Committee. In speaking to a number of representatives of residents and special interest groups it was also clear that many have major concerns and frustrations about the way the planning system operates nationally. This continues to create high expectations and heightened demand on an already stretched planning service.

1.7 Members of the Planning Committee have a clear understanding of their roles in determining planning applications. However, the Chair and members need to stay alert to the occasions when the roles are in danger of being blurred under pressure from external influences, or where their role as ward members could influence their decisions. We offer some advice in our report to help limit such occurrences.

1.8 The Planning Committee's compact size at eight members provides good opportunities for enhanced specialised learning and development opportunities that are being rolled out through a new Member Development Programme. We offer some advice on how training might be enhanced as part of this process.

1.9 Members' trust of, and confidence in, officers remains good. However, officer's perceptions were generally different and they sometimes saw robust challenge at planning committee as an indication that members have a lack of confidence in their professional judgements. In order to maximise the opportunities of collaborative working to create a culture of mutual respect for the different but complementary roles of officers and members we provide some suggestions to support change. Some of these involve stronger channels of communication and officers showing political acumen in recognising the different style of questioning and debate at Planning Committee and reacting positively to this.

1.10 We see opportunities for greater emphasis on pre briefings between developers/agents, Planning Committee members, ward members and members of the public at a pre application stage. This allows for information exchange and questions in a non-decision-making forum.

1.11 We would also extend this principle to encourage more pre-Committee dialogue between case officers and Planning Committee members and ward members in order to make the actual Planning Committee more efficient and less dominated by details that could be asked, and dealt with, beforehand. Opportunities exist to make the Planning Committees shorter and more efficient. We respect the desire of the Chair and members to support democratic decision making involving public engagement – but this could be done in a timelier and business-like manner.

1.12 The Planning Committee undertake very few site visits due to members feeling they knew the city well enough and as part of cost cutting measures. There are clear advantages to reviewing this approach in terms of all members seeing those particular schemes that would warrant a site visit. The benefits to members would be seeing the site together with officers and being jointly briefed. Subject to site visits being safely conducted and backed by strong protocols, we see advantages for a review of the current position.

1.13 The Council has not reviewed its Scheme of Delegation for some time and the Planning Committee decides on a number of small scale, sometimes householder applications. The threshold for calling in applications remains very low and the City Council appears to be an outlier in the ease of which applications can be called in. We recognise the broad political consensus on what members referred to as 'democratic decision making' but we would ask the Council to review whether it is making the most efficient use of officer and member time at such long Committees with the attendant drain on costs.

1.14 The Council responded quickly to the Covid 19 pandemic in moving its Planning Committee onto an online platform backed by appropriate guidance and information. We found accessing the Committee relatively easy both in its live form and via web casting. The Council has maintained a good focus on public engagement, especially through maintaining the capacity for the public to speak at Committee. Some of the online Planning Committees have recently experienced significant technical issues. We provide some recommendations for building on the existing online platform to help improve the customer experience.

1.15 The City Council and South Cambridgeshire District Council have shown good commitment to the JDCC especially following the withdrawal of the County Council from that Committee. It provides a good vehicle for facilitating the delivery of growth and

infrastructure through the emerging joint Local Plan between the two councils. We were told of high levels of collaborative working supported by good pre briefings in the run up to formal JDCC decision making meetings. The Chair does however recognise the need for more specific training in some areas that we refer to in the detail of our report.

1.16 While the joint councils have not reviewed the JDCC Scheme of Delegation, they have revised the Terms of Reference and this has helped clarify that the types of applications coming before it are 'major' and in housing terms over 100 units. This avoids small scale matters from having to come back to that Committee for decision.

1.17 While we did not have time to explore the customer experience of the JDCC to the same extent as at the City Council we were told that virtual meetings on the JDCC had been well received by planning customers and third parties who wanted to participate.

2.0 Recommendations

R1 Adopt a set of clear and realistic expectations and improve cultural behaviours between Planning Committee members, ward members and officers that seek to build trust and confidence. The LGA/PAS can give support on a collective agreement of how the behaviours will translate into actions. This is likely to involve a series of small but important steps in consistently doing the basics well in terms of more effective communication between officers and members, stronger briefings and better support to members at Committee.

R2 Ensure that there is a clear channel for communications between Planning Committee, ward members and case officers, including a "who, how and when" to contact officers. This would improve the flow of information between the two parties in advance of the committee meetings.

R3 Explore ways to establish opportunities for informal (non-decision making) pre planning briefings for members of the planning committee, ward councillors, officers, special interest groups and members of the public. For example, some councils such as Cornwall have consultative forums and some councils such as Plymouth have useful guidance on ward councillor involvement in the planning process.

R4 Review the Scheme of Delegation so that the Planning Committee focuses on deciding the most important planning applications for the City and thereby making optimum use of the skills and experience of Planning Committee members.

R5 Ensure Planning Committee receives regular updates on the Council's five-year housing land supply and housing delivery test position to ensure members are aware of this important contextual information. Appeal decisions also need to be brought to the attention of Planning Committee members as part of providing opportunities to learn.

R6 Co-design with members a more targeted and structured planning training programme with expert led input with a good focus, where relevant, on joint training with officers to help engender collaborative working. In particular ensure there is a good focus on areas of particular member interest such as how to apply weight when their political values run ahead of the approved development plan.

R7 Ensure that the efficiency of Planning Committee is maximised through a review of best practice and learning from Planning Committees who face similar challenges to the City Council but who have shorter and more efficient meetings. Examine the measures suggested in the detail of our report including reducing the level of deferrals, staying alert

to the need to separate out ward level responsibilities, aiming to shorten the length of meetings, improve the consistency and quality of officer reports, ensuring consistent high quality and effective officer support to the Chair and members of the Committee.

R8 Examine the opportunities for the reintroduction of officer led Committee site visits in advance of Committee meetings so that all members can have a better understanding of the effects an application may have on an area. This would increase opportunities for improved understanding of the concerns of members in advance of Committee meetings and provide opportunities for improved joint working. Ensure the setting of clear site visit protocols to help manage the meeting and expectations of applicants and third parties.

R9 Improve the customer experience of the online Planning Committee by reviewing opportunities listed in our detailed report to enable members of the public to better understand and follow the decision-making process. This is likely to require corporate support given the shared partnership approach to ICT and the need for possible reinvestment.

R10 Review the operation of the Adjournment Decision Protocol (ADP) to ensure that it continues to meet the needs of efficient and effective planning decision making and its operation is clearly understood by Planning Committee members, officers and stakeholders.

R11 Examine the possibility of creating a joint member/officer Planning Improvement Group on a 'task and finish' model to take the improvement recommendations contained in this report forward alongside other necessary development areas. This will support collaborative working and help build joint accountability.

3.0 Background and Scope of the Peer Challenge

3.1 This report summarises the findings of a planning improvement peer challenge, organised by the Local Government Association (LGA) in cooperation with the Planning Advisory Service (PAS) and carried out by its trained peers. Peer challenges are managed and delivered by the sector for the sector. They are improvement orientated and are tailored to meet the individual council's needs. Designed to complement and add value to a council's performance and improvement, they help planning services review what they are trying to achieve; how they are going about it; what they are achieving; and what they need to improve.

3.2 The aim of the peer challenge was to review the procedures, practices and conduct of Cambridge City's Planning Committee including comparisons to other councils and best practice. This report also touches on the operation of the JDCC that is comprised of members of both Cambridge City and South Cambridgeshire District Council. As part of the LGA's work for the Greater Cambridge Shared Planning Service the peer team also reviewed the Planning Committee at South Cambridgeshire District Council.

3.3 Our review took the form of an analysis of the Council's background and context summary statement in relation to the Shared Planning Service, review of some supporting documents and structured interviews with political leaders, planning committee members, senior managers and ward councillors. We also held a focus group with a selection of resident representatives. Due to the continuing impacts as a result of Covid 19 - interviews were conducted online.

3.4 Peers were:

- Bryony Rudkin, Labour Group peer, Deputy Leader Ipswich Borough Council;
- Adele Morris, Liberal Democrat peer, Vice Chair, Planning Sub Committee, Southwark Council;
- Nicola Sworowski, Principal Consultant, Local Government Association/Planning Advisory Service;
- Rachael Ferry-Jones, Principal Consultant, Local Government Association/Planning Advisory Service;
- Robert Hathaway - Peer Challenge Manager, LGA associate.

3.5 Where possible, PAS and the LGA support councils with the implementation of the recommendations as part of the council's improvement programme. A range of support is available from the LGA at <http://www.local.gov.uk>. It is recommended that South Cambridgeshire discuss ongoing PAS support with Rachael Ferry Jones, Principal Consultant, rachael.ferry-jones@local.gov.uk and any corporate support with Rachel Litherland, Principal Adviser, rachel.litherland@local.gov.uk

3.6 As part of the peer challenge impact assessment and evaluation, PAS and the LGA will contact the council in in 6-12 months to see how the recommendations are being implemented and the beneficial impact experienced.

3.7 The team would like to thank officers and members at Cambridge City Council and everybody they met during the process for their time and contribution.

4.0 Detailed Feedback

4.1 Purpose and Structure of the Committee

4.1.1 The Council reacted positively and swiftly to the impacts of the Covid 19 pandemic in moving its Planning Committee to an on-line platform from its conventional meetings at The Guildhall in the city centre. This demanded good collaborative work particularly between Planning Committee members and planning and democratic officers. By missing only one Planning Committee session in April, the Council has ensured good continuity of planning application decision making and public engagement. Given that most councils have taken longer to get to the same position, the Council's speed of approach is to be commended.

4.1.2 The size of the Planning Committee at 8, out of 42 city councillors, appears to strike the right balance in allowing for members who can bring a range of skills and experience in a politically balanced setting, while at the same time not over burdening the process with high numbers. Training of members before they are allowed to sit on Planning Committee is obligatory but we see opportunities to strengthen this.

4.1.3 The Council performs well in terms of the overall quality of planning decision making in terms of appeals allowed by the Planning Inspectorate, as measured by the

Government's indicator. Based on the last full two years recorded figures (March 2017 – March 2019) the Council has only lost 3.5 per cent of major appeals (based on the percentage of appeals upheld against the number of major planning applications decided). Given the Government threshold is 10 per cent the Council lies well below that target figure.

4.1.4 The vast majority of members of the Planning Committee clearly understood their role on Planning Committee. For example, they were able to succinctly articulate the need for the separation of their ward level representative role from their city wide decision making role while sitting as Planning Committee members. Many did however recognise a key tension in respecting the correct balance and some appreciated that on times they strayed in the debate sessions into community interest mode and possibly an over emphasis on certain political values. We were told that this has been noticed by some developers and planning agents who participated in the Planning Committee process and we saw some elements of this in some of the Planning Committees we viewed.

4.1.5 It will be important for members of the Committee to stay alert to this risk and for the Chair and supporting officers to intervene appropriately as necessary. One way to help the Committee ensure the clear separation of responsibilities is to absolutely insist on members standing down from Committee and speak as a ward councillor if they feel their role on Committee would be compromised on a particular planning decision where they want to specifically take a local stand on behalf of residents. As Committees are now on a virtual platform, they can no longer speak from a different seating location to emphasise their distinctive role for that planning item. Training, which we discuss later, can also reinforce this distinction.

4.1.6 Planning Committee members consider that they are able to take what may be described as difficult decisions to approve development in the face of substantial local opposition or concern by a variety of external stakeholders. However, planning officers we spoke to consider that the Committee is deferring far too many applications, thereby slowing the decision-making process and leading to items being brought back for further consideration.

4.1.7 Planning Committee members told us that they only deferred applications where in their opinion there was insufficient information available to take a sound decision. One of their main concerns was over the quality of some of the planning submissions and drawings and the lack of attention to detail on matters in the case officer's report that they should know members will want to see (we discuss officer reports in more detail in the next section of our report). Better clarity between members of the Planning Committee and officers over validation requirements could help, plus planning officer's displaying good political acumen in recognising issues that really matter to members. We were told that some improvements, including the use of 'informatives' to encourage hedgehog gaps in fences and fire safety, was helping. However, members clearly are not seeing the extent of information and critical analysis in areas such as active travel through cycle and walking routes, refuse storage, sustainability and design that they would like.

4.1.8 Members considered that the Committee's 'Adjournment Decision Protocol' (ADP) provided a helpful mechanism to avoid citing non-material considerations to overturn of an office's recommendation for approval. The ADP grew out of learning from a particularly damaging appeal decision with substantial costs awarded against the Council following an unsustainable refusal at Committee, against an officer recommendation. This allows an item to be effectively "deferred" to come back to a future Committee with a risk assessment from officers on the suitability and defensibility of members' reasons for refusal. While officers consider the principle to be sound, they remain concerned that the

process can have the appearance of officer's seeking to frustrate member's desire to refuse and can look a bit cumbersome to the public and other stakeholders. This is certainly the view of residents we spoke to who want the Council to urgently review the operation of the ADP which we understand was the commitment given at the time of its implementation in 2014. Residents also considered the APD had too much potential to be used to amend the scheme to overcome the suggested reason (s) for refusal which they argued was never the objective of introducing the APD. We appreciate that the Council has recently taken counsel's advice on the use of the ADP which states that there is nothing in the ADP that prevents amendments being considered in specific cases. However, given the public and special interest group disquiet the ADP is not being applied in a consistent way to applications or in accordance with the provisions within it we recommend that the Council makes good its 2014 commitment to a formal review of its operation.

4.1.9 We found a good level of general trust and confidence from Planning Committee members towards planning officers although perhaps officers generally struggled to see that played out at Committee. We consider that there are many and varied reasons for this and we consider what we regard are the most important reasons in other sections of our feedback. Some relate to wider issues of the relatively recent establishment of the Shared Planning Service and a lack of capacity and stability in planning officer posts that has made building relationships between members and planning officers more difficult.

4.1.10 Members of the Planning Committee recognised that perhaps for the past 18 months or so they had adopted a more challenging and robust style of questioning of officers, and a more rigorous and detailed debate among the Committee. They recognised that they were now far more disposed to forensically dissect reports and challenge officers on the detail of their report in a style that possibly could be conceived as a lack of trust in officers' professional ability or judgement. We wonder if the response of planning officers to this change of style has been quick enough, and in some cases, robust enough. For example, we see opportunities for planning officers to more clearly 'match' and 'mirror' the attitude of members and where necessary to vigorously defend their professional judgement. Alongside this we also see the need for more proactive intervention from planning managers and legal officers.

4.1.11 We recognise that this can be more difficult while the Planning Committee meets on a virtual platform, as officers can be more reluctant to intervene if it appears to cut across another speaker. Plus, the fact that it is more difficult to 'catch the eye' so to speak of the Chair in an online setting. But nevertheless, in the cut and thrust of what we were told was 'the Cambridge way' of challenge and debate it is important that officers are not inhibited, or don't feel that they have permission to evidence and justify their recommendations.

4.1.12 We found common ground among all members on the need to improve the learning and development opportunities for members of the Planning Committee. Members valued the obligatory annual training and other incremental training opportunities offered. We were encouraged to hear about the new Member Development Programme being introduced this autumn which aims to provide a stronger and more varied offer to members. The Council should also explore opportunities for joint office/member updates or training to create that "non-decision-making space" that we referred to earlier. In particular, some members would welcome a clearer understanding of what might constitute pre determination when engaging in pre committee discussions.

4.1.13 The low numbers of members on Committee (eight) provides good opportunities for focused training to increase knowledge and perhaps to consider the practices and procedures of Planning Committees who face similar challenges but who get through the

meetings more efficiently and have less deferrals. We would certainly recommend that the Chair, Vice Chair and members of Committee take time to view and learn from the way other Planning Committees operate and we provide some examples of good practice at the end of this report. Residents we spoke to certainly considered that members of the Planning Committee do not receive sufficient training to support their role as decision makers, with significant inconsistency in levels of expertise.

4.1.14 One of the challenges we found was that in many areas, members' political aspiration and values are running ahead of a development plan system that is slow to catch up. We found generally strong agreement among the political groups as to some of the main land use planning issues in the city such as affordable housing, Houses in Multiple Occupation (HMOs), active travel, climate change and sustainability and design. It may be helpful therefore if there is better collaboration and understanding between planning officers and Planning Committee members of the use of Supplementary Planning Documents/Guidance and the existing and emerging local plan policy base to manage and clarify expectations of what is possible. If so, the Council needs to explore how to create member/officer space for this and other creative opportunities for collaborative work. Clearly with the ongoing pandemic and with the busyness of officer and member roles this will be hard to carve out. However, to improve joint working and to better understand the drivers and constraints of their different roles – this is important.

Joint Development Control Committee

4.1.15 Cambridge City Council and South Cambridgeshire District Council display good joint working in dealing with major and ancillary developments on the fringes of the city that impact on both authorities. Equal number of members from both councils (six from each) make up the Joint Development Control Committee (JDCC) that decides on often large-scale planning applications such as urban extensions. In 2020, both councils showed good commitment to maintaining this Committee when Cambridgeshire County Council dropped out from being part of it.

4.1.16 The JDCC will provide a good vehicle for facilitating the delivery of growth and infrastructure through the emerging joint Local Plan between the two councils. Members and officers advised that there was clear role clarity and good trust and confidence displayed at Committee. We were advised that some of the reasons for good collaborative working leading up to and at Committee were longer lead in times for development which were supported by more detailed pre briefings, stronger established relationships between officers and members and learning from the development of earlier large sites years before. Clearly the City Council needs to explore the principles of what appears to be stronger joint working and where possible seek to build on these in the work of its own Planning Committee.

4.1.17 The Chair of the JDCC recognises the Committee would benefit from more training particularly on:

- strategic land use policies in the wider sub region;
- outline planning permissions and how they differ to full planning permission and the relationship and detail of reserved matters;
- build out and delivery rates against five year housing land supply;
- Employment uses (as new area for JDCC); and
- respective Local Plan policies of each council as members are not up to speed on each other's and this would help with making decisions on the border.

4.2. The format and processes

4.2.1 The Chair of the Planning Committee and supporting planning, legal and democratic officers found the Chair's briefing, held two days before the Committee, to be very beneficial. Relationships appear to be productive and the briefing allows for a good exchange of information both ways.

4.2.2 While some pre briefings for major developments occur involving members of the Planning Committee, ward members, developers and officers, we see greater opportunities for pre committee presentations at earlier stages in the formulation of certain schemes. This would help members to more clearly articulate at an earlier stage, the likely key issues for local communities and stakeholders allowing more time for applicants and their professional advisers to explore ways to respond. This 'space' would also help provide the opportunities for creative discussions, especially between officers and members in a non-decision making and less public forum. We recognise the Council has its Development Control Forum where 25 petitioners can request an application comes before members and officers outside the decision-making process but this at a post application not pre application stage. The peer team's view is that the Council would benefit from a clearer and stronger emphasis on 'front loading' member engagement in appropriate schemes. Some councils such as Cornwall have successfully adopted this approach and we draw attention to some of these at the end of our report.

4.2.3 Both members and officers said that they would also value more informal contact between them in advance of the preparation of Committee reports and the period once Committee reports are made public. This has clear potential for members to ask questions of officers in advance of reports being written to enable officers to ensure that appropriate member issues are covered. It also allows members to clear up any queries they have on the proposal in advance of the Planning Committee that can improve its efficient running.

4.2.4 We were told that in the recent past that there had been a stronger culture of Planning Committee member/officer liaison either on the phone, through email or in person at The Guildhall. We are not entirely sure why this practice and custom has fallen away although members/officers considered that the turnover of officers, increased workloads and limited member access to the planning office at The Guildhall were contributory factors. Another perhaps more important factor we noticed was that members seemed unclear and concerned about initiating contact with planning officers due to a misplaced fear of bias or pre determination. We were encouraged to hear the service were organising some 'meet the Development Management teams' to improve members familiarity with case officers. The service needs to do more on this and officers and members need to look at ways to significantly encourage and enhance member/officer dialogue. This will also help to build increased confidence between members/officers in the quest to develop more collaborative forms of working.

4.2.5 The Chair of the Planning Committee is respected by fellow members and has a collegiate and engaging style in the way Committee is run. We found a generally good level of cross party support in the approach to debates at Committee with a general consensus on the key planning issues involved in development. Officer presentations were generally good, if a little long sometimes, while democratic services officers provided very helpful and clear support to the Chair.

4.2.6 However, a general concern expressed by some members and all officers was the length and inefficiency of Committee. The meetings take place in the daytime and are a minimum of 4 hours and sometimes 7 or 8 hours long, with some applications deferred

due to time constraints. For example, at the 10 September 2020 Planning Committee, out of 7 items there were 5 deferrals/ adjournments as Committee ran out of time to consider some items at the end of the agenda. As we discuss in the next section of our report it is also the case that the Committee considers a high proportion of minor applications, including householder extensions, which might be expected to be dealt with expediently. Some members told us that the length of meetings meant that decisions taken towards the end of the day could sometimes be rushed while attention spans clearly dipped as well.

4.2.7 On the other hand, we found that the Chair and other members of the Committee saw no issue with the length of meetings considering that long questioning and debate was a key part of ensuring accountability and guaranteeing what they regarded as transparent and effective democratic accountability in a public forum. We were told that this reflected a key cross party commitment to the form of planning decision making which flowed from previous Area Committees, which operated in a similar style.

4.2.8 We recognise that seemingly all Planning Committees up and down the country are taking longer on an on line platform. But we still see clear opportunities to support the Chair and Committee in holding to its values while at the same improving the efficiency of decision making. From watching a number of Planning Committees in September and October 2020 and listening to the views of members and officers on earlier Committees, it is clear that even minor house holder applications can be debated for hours. At least some of the debate appears repetitive and circular and often focuses on non-material considerations that can be given no weight in the balance of decision making. While we recognise that the Chair wants to ensure a fulsome debate allowing all members time to ask questions and debate the issues, we feel that some firmer and tighter Chairing perhaps supported by indicative timescales could improve efficiency. As we discussed in the previous section, there is also a clear role for supporting planning, legal and democratic officers to support the Chair and Vice Chair in keeping the Committee on track. One helpful suggestion from a member was that timings are set on the agenda and if the item is finished sooner, then the time can be filled with smaller items that have no public representations. In terms of the priority of Committee's time it would also be sensible to consider major applications before minor applications.

4.2.9 Officer reports to Committee could help members to focus on areas where they have the ability to weigh evidence differently to them. Some councils seek to focus their case officer's reports on areas of planning policies and material considerations where their members have the liberty to weigh evidence differently to officers in the planning balance often required. They do this through clear summaries and highlighting key areas for members' attention. This can also help the Chair in steering member's attention away from questions and long debates on non-material considerations. Some members would particularly like to see that where discussions have been held with applicants (at pre app or at Development Control Forum) any changes made to the application are clearly expressed in the report. They would also like to see that when an item has been changed between committee meetings due to an ADP, any changes agreed with the applicant are clearly highlighted in the revised report.

4.2.10 In determining weight in the planning balance, it is also important for members to be mindful of their discretion in relation to technical matters when questioning officers and when in debate mode. In planning decision making it is an established principle that while *'weight is a matter for the decision maker, but in expert areas (for example habitats, flooding, highways, heritage) there are bodies whose views should be afforded considerable weight in the absence of cogent reason to the contrary'*. (*Wealden v Secretary of State for Communities and Local Government 2017 EWHC 351*).

4.2.11 Officer reports are often very long. A report to the City Planning Committee on October 16 2020 was 181 pages long which, while possibly exceptional in its length, would be very difficult for members to absorb and focus on the key issues. In relation to this issue the peer team is mindful of an important court judgement that may help the Council reflect on the issue of report length, namely; '*part of the expert function in reporting to the committee must be to make an assessment of how much information needs to be included in the report in order to avoid burdening a busy committee with excessive and unnecessary detail*' (*R v Mendip DC ex parte Fabre 2000*).

4.2.12 We would recommend therefore that officers and possibly the Chair and Vice Chair look at good practice elsewhere (see support section at the end of this report) and come up with a suitable template for use. There might be opportunity for this and other Committee matters to form part of consideration by a Planning Improvement Group of officers and members to consider helpful changes – a sort of task and finish group.

4.2.13 Officer reports are also not properly quality assured by managers before the Committee reports are issued and this has led to a large number of mistakes, member frustration and in some cases deferment of the item at Committee. Managers recognise this problem which they attribute to a lack of time and prioritisation of other issues. This however is a fundamental management issue and must be urgently resolved in discussion with senior managers in the Directorate.

4.2.14 Opportunities exist for the Planning Committee to benefit from a far greater use of whole Committee site visits in order that all members can have a better understanding of the effects an application may have on an area. Due to what we were told were cost cutting measures, the Planning Committee rarely undertake joint site visits, relying rather on individual members to visit if they like in their own time. However, this limits opportunities for case officers and planning managers to engage with Planning Committee members outside of the Committee setting. This restricts occasions to help officers have a better understanding of member's key planning issues on particular sites in advance of the Committee.

4.2.15 At least some Planning Committee members shared a concern that site visits needed strong protocols to ensure they were appropriately managed to avoid concerns about the introduction of bias. Many councils have developed strict site visit procedures that provide clear guidance on issues including the strict purpose of the meeting (for members to view the site and context and ask officers appropriate questions), the management of the meeting and the fact that it is a meeting for members and officers and not an opportunity for public speaking or debate. It is the peer team's experience that if suitably managed and controlled, site visits at appropriately selected developments can assist the Committee in its decision-making role.

Joint Development Control Committee

4.2.16 The Chair of the JDCC finds that the pre application process and briefings works well and are very informative for both applicants/developers as well as members of the Committee. In terms of process, it will be important for the Chair and members of the Committee to recognise the scale of the large-scale applications they are dealing with which demand a different approach to the more minor applications that they are dealing with in the City and South Cambridgeshire District Council Planning Committees. For example, the JDCC will often be deciding on outline applications and development principles that involve parameter plans on very large schemes. This demands a different assessment approach than dealing with the detailed specifics of a minor development or

householder application that is often in front of the City and South Cambridgeshire Planning Committees.

4.3 Scheme of Delegation

4.3.1 The Council has not reviewed its Scheme of Delegation in relation to how planning decisions are taken for some time. We found that the Council operates a very low threshold in relation to applications being able to be taken to Committee for a decision rather than being delegated to officers. For example, the Scheme of Delegation allows for an application to be determined by the Planning Committee if there are third party representations on planning grounds that are contrary to the officer recommendation for approval or refusal and in some cases if any objection cannot be resolved by the imposition of conditions. In non-house holder applications this threshold is as low as one objector to or supporter of an application. In relation to ward members, they can ask that a planning application be heard at Planning Committee if they give material planning reasons for their request. Unlike South Cambridgeshire District Council, there is no Delegation Decision Making meeting (using agreed criteria) for a decision on a member call in agreed between the Delivery Manager and the Chair of the Planning Committee.

4.3.2 The City Council appears to be an outlier among most councils in relation to the relative ease with which sometimes small householder or matters of a very localised matter come before Planning Committee for a decision. In 2019, only 22 per cent of the Committee's decisions were based on 'major' applications with 78 per cent made on 'minor' or 'others'. When we put this to the Planning lead member, Chair of the Planning Committee, other members of the Committee and also ward members the overwhelming response was that this process was acceptable and that public engagement and democratic accountability was a vital component in the operation of the planning service in the City.

4.3.3 Officers see things quite differently with a concern that too many 'minor' or 'other' applications are coming in front of Committee which are sometimes small householder applications called in due to neighbour type disputes, or Committee time spent discussing generally small scale non-controversial development. The number and small scale of these applications then increases the length of Committee meetings and can also feed members over attention to detailed matters that officers are perfectly capable of tackling through a delegated decision-making process. This then leads to an increased number of case officer reports to Committee and longer Committee meetings that need to be serviced by planning, legal and democratic officers. This obviously impacts on the efficiency of the Committee.

4.3.4 Clearly service budgets are already under severe pressure which will only increase as a result of the adverse economic impacts of Covid 19. We recognise that the Scheme of Delegation is clearly a matter for local prioritisation and discretion but it does appear to the peer team that a corporate discussion, led by the Planning lead member in consultation with the Chair of Planning Committee, would be useful in reviewing 'what kind of Planning Committee' the City council want. This could re- examine the opportunities and constraints of continuing with the current Scheme of Delegation on ideally a cross party basis as part of the prioritisation of scarce financial resources.

4.3.5 We appreciate the broad political consensus that exists across the Council on the importance of the planning process in providing democratic accountability. However, there is nothing inherently 'undemocratic' about a delegated officer decision. An appropriately made delegated decision is as much a democratic decision as a Committee decision given that its authorisation is established through appropriate channels and has to be taken in

accord with the development plan and supporting guidance. In general terms it is the peer team's view that Planning Committee should be reserved for the largest and most contentious type of applications and not because local representatives feel that they cannot trust officers or they have more expert knowledge than statutory consultees.

4.3.6 While we clearly recognise the sovereignty of both the City Council and South Cambridgeshire District Council, the emergence of the joint Greater Cambridge Local Plan between the councils appears to offer opportunities for examining where current planning practices/guidance can be brought together if it meets local political expectations and can provide efficiencies. Looking across to the experience of other councils in how they achieve an appropriate balance in their Schemes of Delegation for their local circumstances would also be advisable.

4.3.7 The JDCC Scheme of Delegation has not been reviewed since 2013 but the terms of reference were amended in 2020 following the withdrawal of the County Council from the Committee. The review helpfully changed the remit of the Committee to focus on major applications only as previously even householder applications were being determined at the JDCC. This was due to even householder applications being caught by some loose wording from the 2007 terms of reference that resulted in 'ancillary' and 'associated' developments from previously approved JDCC large scale applications having to be brought to Committee. This change is helpful as it focuses Committee attention onto the appropriate scale and nature of application that the JDCC should concentrate on.

4.3.8 The JDCC Scheme of Delegation results in schemes of over 100 houses, or developments of over 1000 sq m or 1 hectare in area going in front of Committee. While the JDCC operates similar call in opportunities for parish councils as at South Cambridgeshire District Council there has not been a single call in in 12 years.

4.4 Customer Experience

4.4.1 To its credit the Council moved quickly onto a virtual platform in response to the Covid 19 pandemic and this meant that only one Planning Committee was cancelled. Information on the Planning Committee is easy to find on the website and we found comprehensive guidance for members of the public on how the Committee is run. For example, democratic services provide instructions sheets to members of the public who have requested to speak and also offer a 'test call' to try to limit difficulties on the day of Committee. Helpfully the Council provided separate wide-ranging guidance for public on accessing the virtual Planning Committee and advice on how to participate if required. Continuing the opportunities for public speaking provides helpful public engagement and not all councils have done this, with some reverting to written statements only. The Council advised that viewing figures of the Planning Committee are increasing and are higher than figures that would be seen at face to face Committees in The Guildhall.

4.4.2 Having viewed a number of the virtual Planning Committees we consider that there are clearly many positives to reflect on and some opportunities for change to improve the customer experience. Clearly as with previous comments, these are made at a time when Planning Committee is meeting online and so the experience for customers will be different to the previously normal operation of the face to face Committee.

4.4.3 Strengths include;

- comprehensive written guidance on Committee procedures with phone numbers/e mails for additional assistance;
- clear introduction from Chair on who he is and the purpose of meeting. Roll call for Committee Members and reference to officer's present at the start of the meeting;
- advice on what to do if technology failed and other general matters;
- quality of supporting plans and images in the officer presentations that we were told are much clearer online than they would be in the room where the Committee is normally held;
- continued opportunities for public speaking which some councils have stepped back from on virtual platforms allowing written statements only; and
- general ease of access allowing planning customers, objectors and third parties to access public decision making from their own home or other locations and not having the inconvenience of travelling to The Guildhall.

4.4.4 We watched web casts of the September 2 and September 10 2002 Committee meetings and watched the October 7 meeting live. Unfortunately, both September meetings were badly impacted by technical failures with the September 2 meeting having to be postponed after lunch with seven minor applications having to be adjourned to a new Committee held on September 9. But even then, there were multiple issues with the technology that caused delays such as unexplained delays, members on live feed and not realising it and frozen screens; to the obvious frustration to all concerned. The technical issues at both meetings unfortunately created the feel of a lack of professionalism around the meeting.

4.4.5 We were told that the issues at the September Planning Committee meetings were bad glitches and indeed the October meeting ran more smoothly. However, this is a matter that demands attention to avoid this happening again. We were told of the significant challenges facing democratic services officers in managing the Planning Committee process on line. The current arrangement to support Committee demands three staff members, one in the on line meeting, one on production and one on production back up. The difficulties with manging and improving the external facing presentation of the Planning Committee reflects corporate IT issue as it is run from a remote laptop in Huntingdon as part of shared ICT services between Greater Cambridge and Huntingdon. For example, the remote laptop does not have the same format of MS teams as those in the meeting and therefore the format that the public see is somewhat different and less customer friendly. While democratic services officers recognise the need to do something about this it is also a cross authority discussion. The peer team consider that given the importance rightly attached to the live and archive web casting of the Planning Committee that this requires corporate attention and input to help secure any necessary investment and improvement.

4.4.6 We were told of and saw for ourselves opportunities to improve the customer experience during virtual Committees and would suggest that the Council look at issues including:

- exploring ways of facilitating the timely engagement of applicants, agents, public speakers and interested members of the public in their relevant applications to ensure that they don't have to sit through sometimes well over five hours and sometimes eight hours of Committee debate on other items;
- reminding members and officers that they need to be mindful of the fact that although they are participating from within the comfort of their own homes, the meeting is live streamed and archived. Therefore, they need to be as aware of how

they present themselves as they would in person, if not more so, as the opportunity for public scrutiny of how they look and how they speak/what they say has increased;

- members and officers taking time to view Committee webcasts to get a better feel for what the members of the public sees and as a result to watch, reflect and respond;
- ensuring that any relevant supporting officers are introduced at the start of each item, for example if a county highways officer or a specialist environmental health officer have now joined the meeting for that specific application;
- exploring ways to ensure that all Planning Committee members and the speaker are viewable on the screen. Currently there is a limited number of windows to see members of the Committee and the number of windows is constantly changing;
- having the councillors listed as such along with their surname to enable the public to better understand who is speaking;
- members and officers supporting the Chair to move the meeting along at an appropriate pace;
- ensuring that the Chair, Vice and supporting officers constantly keep in mind that for some participants in the process the experience is new and confusing and to take the public along with appropriate summing up and explanation of the process; and
- examining ways to utilise the on-line platform to showcase some of the successes of the Planning Committee in enabling development and safeguarding the natural and built environment.

4.4.7 While we applaud the desire to make the Planning Committee accessible to public speakers, we would ask the Council to ensure that only those people who have made comments on the application are enabled to enjoy the rights of public speaking as objectors. We found some confusion on this issue with some people we spoke to believing that any member of the public could speak at Committee as long as they give 2 working days' notice. The service recognises the need to clear up any confusion on this by updating its guidance on the website.

4.4.8 We also recognise that some of these issues are relevant only to the holding of online Committees although some of the principles will have applicability when eventually face to face Planning Committees can safely return.

4.4.9 We spoke to members of some of the city's residents 'groups with the majority expressing significant concern with planning decision making in Cambridge City. Exploring this further it was clear that many of the criticisms were equally applicable nationally and many related to issues outside of the scope of the peer team's review. However, areas of concern that could be related to Planning Committee decision making included:

- general feeling that voices are not heard and that residents have little influence over decisions;
- resident groups have been unable to agree with the Council how to be notified of applications in particular areas; and
- finding the online system very difficult to navigate – would like to see improvements made to make access easier.

4.4.10 The peer team is unsure as the consistency of engagement between the planning service and resident's groups or whether that is conducted through ward member engagement. We would encourage as open and transparent dialogue as possible to seek to explore whether improvements can be made including managing expectations on the

degree of specific involvement resident's groups can have in the decision-making processes other than through their ward members.

Joint Development Control Committee

4.4.9 While we did not have time to explore the customer experience of the JDDC to the same extent as at the City Council we were told that virtual meetings on the JDCC had been well received by planning customers and third parties who wanted to participate. The JDCC was temporarily suspended following the withdrawal of the County Council and held its first meeting in its new form in August 2020. Officer presentation was clear if very long. The meeting was well chaired with the Chair helpfully grouping the issues into themes which might be a learning point for the Chairs of the City and South Cambridgeshire Planning Committees. One thing the peer team question is if public speakers are allowed only three minutes is there any reason why ward members are not limited to this timescale as well? This happens in many other Planning Committees although clearly this is a matter for local determination.

4.4.10 The meeting and did not suffer from any technical issues apart from a short period of poor connectivity of a member during which time the meeting was stopped and then restarted after reconnection. However, we are aware that at least some of the technical issues experienced at previous meetings are similar to those at the City council. For example, we were told that the impact of public speakers is considered to be lost by them coming through on audio only at times.

5.0 Further Support

5.1 A range of support from the LGA and PAS is available at <http://www.local.gov.uk> and via the PAS website <https://www.local.gov.uk/pas>. Costs may vary.

5.2 Planning Advisory Service (PAS) & LGA Support Offers:

PAS Planning Committee Training & Materials

PAS will work with the authority to deliver to deliver specific training requirements for the Planning Committee.

Short case assessments on areas that support delivering a good development management service can be found at the following website:

<https://local.gov.uk/pas/development-mgmt/planning-applications-support/good-development-management>

PAS has general materials available on available from the PAS website:

- Development Management - Decision making, committees and probity
- Making Defensible Planning Decisions
- Developer Payments - Community Infrastructure Levy, s106 agreements and Viability
- Getting engaged in pre-application discussions

- Design training for councillors

<https://www.local.gov.uk/pas/pas-support/pas-subscribers/councillor-briefings/councillor-briefing-planning-committees>

PAS worked with Association of Democratic Services Officers (ADSO) to produce some materials for committee clerks. This covers an introduction to planning, decision making, motions and amendments, dealing with the public, interests and probity matters.

<https://www.local.gov.uk/pas/pas-topics/planning-committee/materials-committee-clerks>

Other Local Authority Planning Committee Information

Plymouth planning committee webcasts

<https://plymouth.public-i.tv/core/portal/webcasts>

<https://plymouth.public-i.tv/core/portal/webcasts/enctag/Planning>

Plymouth planning committee public information

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/whathappensafteryoumakeplanningapplication>

<https://www.plymouth.gov.uk/planningcommittee>

Ward Councillor engagement in Pre-Briefings

<https://www.plymouth.gov.uk/sites/default/files/ProbityInPlanningPlanningCommitteeCodeOfPractice.pdf>

Delegated decision making panels (Wychavon)

<http://mgov.wychavon.gov.uk/modern.gov/documents/g4009/Public%20reports%20pack%20Tuesday%2015-Apr-2014%2018.20%20Council.pdf?T=10>

The following three councils are considered to have run good virtual committees:

Brent, Liverpool and West Suffolk

Havant developer consultation forums. Havant has a developer forum that developers present their proposal pre application submission to the council, the public can attend. This may be a charged service.

<http://www.havant.gov.uk/development-consultation-forums>

Cornwall pre-application community engagement (PACE) forum

<https://www.cornwall.gov.uk/paceforum>

5.3 For more information about planning advice and support, please contact rachael.ferry-jones@local.gov.uk

LGA Support

5.4 The LGA has a range of practical support available. The range of tools and support available have been shaped by what councils have told LGA that they need and would be most helpful to them. This includes support of a corporate nature such as political leadership programmes, peer challenge, LG Inform (our benchmarking service) and more tailored bespoke programmes.

5.5 Rachel Litherland, Principal Adviser is the LGA's focal point for discussion about your improvement needs and ongoing support and can be contacted at Rachel.Litherland@local.gov.uk

5.6 PAS and the LGA will follow up about the support that they can provide to the council to help address the recommendations highlighted in this report. A further 'light touch' visit will be made in 6-12 months to see how the recommendations are being implemented and the beneficial impact experienced.



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